



EMSGMT.0002P

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Richard DeGreef	)	Group Art Unit: 3671
			)	
Appl. No.	:	10/780,780	)	
			)	
Filed	:	February 18, 2004	)	
			)	I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Arlington, VA 22313-1450, on
For	:	SEWER GRATE LOCKING MECHANISM AND METHOD OF INSTALLING SAME	)	
			)	
Examiner	:	Raymond W. Addie	)	
			)	

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Arlington, VA 22313-1450, on

March 6, 2006

(Date)

R. Scott Weide, Reg. No. 37,755

03/10/2006 HDEMESS1 00000005 10780780

01 FC:1464

PETITION TO WITHDRAW FINALITY OF ACTION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby petitions to remove the finality of the Office Action mailed November 8, 2005.

The Examiner indicated that the November 8, 2005, Office Action was made final because "Applicant's amendment necessitated the new ground(s) of rejection." Applicant asserts that this statement is factually incorrect and that the Examiner's indication of the November 8, 2005, Office Action as Final is inconsistent with the M.P.E.P.

As noted in Applicant's Response to the first Office Action mailed August 29, 2005, "Applicant has amended various of the claims to address antecedent basis issues to ensure the claims satisfy the requirements of 35 U.S.C. §112." Upon inspection, it is clear that Applicant's amendments in response

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**Filed** : February 18, 2004

to the first Office Action in no way changed the scope of the claimed subject-matter. Quite simply, the originally presented claims defined subject-matter was novel and non-obvious over the originally cited prior art, and it was this fact, and not any amendments, which caused the Examiner to seek additional prior art which might be pertinent to the claimed subject matter.

In that it was not Applicant's amendments which necessitated the new search and citation of new art, Applicant has not had a full and fair opportunity to address the Examiner's grounds of rejection (at least without having to pay fees associated with requests for continued examination). As such, Applicant respectfully requests that the Final status of the Office Action mailed November 8, 2006, be withdrawn, and that Applicant's Response to Office Action mailed February 8, 2006, be entered and considered.

Dated: March 6, 2006 By:

Respectfully submitted,

R. Scott Weide

Registration No. 37,755

Weide & Miller, Ltd.

Bank West Building, 5<sup>th</sup> Floor

7251 West Lake Mead Blvd., Suite 530

Las Vegas, NV 89128

(702) 382-4804 (Pacific time)



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Examiner	:	Raymond W. Addie	)
<hr/>			

March 6, 2006

(Date)

R/ Scott Weide, Reg. No. 37,755

## TRANSMITTAL

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith with respect to the above-identified application are:

- (X) Petition to Withdraw Finality of Action in 2 pages;
- (X) Return Prepaid Postcard; and
- (X) Check in the amount of \$190.00 (\$130 for a Petition Fee and \$60.00 for a 1 month extension of time; small entity status being claimed).

**(X) The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Account No.: 502200. A duplicate copy of this sheet is enclosed.**

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60.00 OP

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**Filed** : February 18, 2004

**(X) Applicant hereby requests a 1 month extension of time in accordance with 37 C.F.R. § 1.136 to file this response and has submitted herewith the extension of time fee.**

Dated: March 6, 2006

By:

Respectfully submitted,

R. Scott Weide  
Attorney of Record  
Registration No. 37,755  
Weide & Miller, Ltd.  
7251 West Lake Mead Blvd., Suite 530  
Las Vegas, NV 89128  
(702) 382-4804 (Pacific time)